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But, unquestionably, in any case in which there was room for it, the courts would give to a legislative act a construction in harmony with international law.

Professor Holland's *Studies* are both suggestive and instructive; and in many instances they relate to subjects upon which, although of present interest, information is not readily to be obtained. They therefore constitute, especially in their collective form, a valuable addition to the literature of international jurisprudence.

J. B. MOORE.

*La Guerre sino-japonaise au point de vue du droit international.*

Par NAGAO ARIGA, Professeur de Droit International à l'École Supérieure de Guerre de Tokio. Paris, A. Pedone, 1896.—xiii, 310 pp.

*Cases on International Law during the Chino-Japanese War.*

By SAKUYÉ TAKAHASHI, Professor of Law in the Imperial Naval Staff College of Japan, etc. Cambridge, The University Press, 1899.—xxviii, 219 pp.

The author of the first of these interesting works has held since 1891 the post of professor of international law at the Superior School of War at Tokio. In October, 1894, he was ordered to accompany the second Japanese army, in the war with China, as legal counsellor to the commander; and he was present in this capacity at the battles of Kinchow, Port Arthur and Wei-hai-wei. In the treatment, therefore, of many of the subjects which he discusses, he bore a personal part.

When the war with China began, Japan had already, to a considerable extent, acknowledged as obligatory the laws of war observed by the nations of the West. In August, 1870, during the war between France and Germany, she issued a declaration of neutrality.<sup>1</sup> Some years later a society similar to that of the Red Cross was established; and in 1886 the emperor formally adhered to the Geneva Convention of 1864. By an imperial decree of March 19, 1887, the rules of maritime law embodied in the Declaration of Paris of 1856 were declared to be in force in the empire. Professor Ariga does not claim, however, that in the war against China all the humane rules advocated in recent times by enlightened publicists were strictly carried out by Japan. The situation was complicated by the fact that the two belligerents did not stand in this regard on common ground.

<sup>1</sup> Foreign Relations of the United States, 1870, p. 188.

The Japanese Empire, as he declares, wished to follow the rules which it would have observed in regard to France, England or Germany, but it could not "sacrifice its military interests" by discarding altogether the principle of reciprocity. His object, therefore, is to show to what extent and by what means it was able to give those rules effect in the situation in which it was actually placed. He justifies the action of his government in declining to agree to apply the provisions of the Geneva Convention to the Chinese, on the ground that, owing to the defective military organization of the latter and their lack of an efficient sanitary service, they would be unable to give it reciprocal effect. He devotes a chapter, however, to an account of the humane work done in the war by the Red Cross Society of Japan, in recognition of which the emperor subsequently issued a special decree.

In reading the book of Professor Ariga, one cannot fail to be impressed with the thoroughness of regulation shown by the Japanese in their conduct of the war. He gives the text of upwards of eighty documents, including various orders and decrees, some of which relate to subjects of capital importance and are comprehensive in character.

Professor Takahashi, like Professor Ariga, bore an actual part in the war, having accompanied the Japanese squadron as legal adviser to the admiral. In 1897, acting under the orders of his government, he went to Europe for three years for the further prosecution of his studies in international law. The object of his present work, as stated by himself, is "to make a definite contribution to the collection of cases on international law." This object he has achieved. His book includes such matters, arising during the Chino-Japanese conflict, as relate to maritime law, matters relating to the army having been treated by Professor Ariga. It is divided into two parts, the first of which relates to the subject of prize and the second to miscellaneous incidents of the Japanese naval operations. In the conduct of the Japanese we find the same thoroughness of regulation on sea as on land. On August 21, 1894, a law was promulgated for the organization of a prize court which was established at Sasebo. This law was based chiefly on the British and German prize acts; and its promulgation was followed up by the issuance of a prize law which was founded on the works of Professor Holland and Sir Godfrey Lushington, the rules of the Institute of International Law of 1882 and the instructions of the French navy of 1870. In the work of adaptation, however, Japan made one salutary improvement on the original. She abolished the interest of the captor in the prize.

The right of visit was freely exercised by the Japanese, but only one ship was seized and taken into the prize court. Professor Takahashi gives a list of all the cases of visit, search and detention by the Japanese during the war, as well as the full text of numerous important and valuable documents.

J. B. MOORE.

*La Doctrine de Monroe : L'évolution de la politique des États-Unis au XIX<sup>e</sup> siècle.* Par MAURICE D. DE BEAUMARCHAIS, Docteur en Droit. (Deuxième édition, revue et augmentée.) Paris, Librairie de la Société du Recueil Général des Lois et des Arrêts et du Journal du Palais, 1898.—ii, 234 pp.

This latest elaborate study of the Monroe doctrine is by far the most interesting and suggestive one that has yet appeared.

The introduction explains its origin. Part I treats of what is called the principle of non-colonization, which, the author maintains, has no legal basis and is contrary to international law;

car un état ne peut modifier la situation des territoires qui ne lui appartiennent pas sans l'assentiment de l'état intéressé, et jamais aucune puissance n'a reconnu ce principe de non-colonization que les États-Unis voulaient imposer à l'Europe sur le continent américain [p. 44].

In this part he reviews the questions in regard to Guatemala, the Dominican Republic and the Oregon boundary. Of Part II—where he discusses what he calls the principle of non-intervention—the most important feature is his explanation of the great prestige that the doctrine has gained during three-quarters of a century. Part III is devoted to the principal applications of the doctrine. The author's reviews of the Panama Congress, the annexation of Texas, the Yucatan incident and the French invasion of Mexico are in general excellent. He exhibits impartiality in his well-balanced approval of the action of the United States in compelling the withdrawal of the French from Mexico. Under a subdivision called *La doctrine Monroe, seconde manière* (which might best be expressed in slang as the "fake" doctrine), he discusses at length, and with much cleverness, the Venezuelan and the Cuban affairs, the questions in relation to an interoceanic canal and a few minor incidents. Although the author shows that a large proportion of his information is superficial, and comes from secondary sources, all that he says is entertaining and worth consideration. Nowhere else has there appeared so satisfactory a review of the history and the significance of the Venezuelan boundary dispute in relation to the Monroe doc-